

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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JAMES SHEPHERD, Trustee for the JAMES B.  
SHEPHERD TRUST, and NEW MILLENNIUM  
CONCEPTS, LTD.,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION AGENCY,  
MICHAEL S. REGAN, ADMINISTRATOR,  
CHRISTINE TOKARZ, DAVID COBB,  
CAROL KEMKER, and KERIEMA NEWMAN,  
IN THEIR PERSONAL CAPACITIES,

Defendants.

Civil Action No. 4:23-CV-826-P

**FEDERAL DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

COME NOW Defendants the United States Environmental Protection Agency and its Administrator, Michael Regan (collectively "EPA") and, pursuant to the Court's Order, file this response to Plaintiffs' Motion for Preliminary Injunction and state as follows:

For the reasons set forth in EPA's contemporaneously filed Supporting Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction, Plaintiffs have failed to meet their burden of proof to obtain temporary injunctive relief. Specifically, Plaintiffs have failed to demonstrate a likelihood of success on the merits or that they will suffer irreparable harm if temporary injunctive relief is not granted. Likewise, Plaintiffs have failed to demonstrate that the public interest and the balance of equities favor an injunction. Therefore, Plaintiffs' Motion should be denied.

Accordingly, EPA respectfully requests that Plaintiffs' Motion for Preliminary Injunction be denied.

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Certificate of Service

On August 17, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Shari M. Howard  
Shari M. Howard  
Trial Attorney